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HARNESS, DICKEY & PIERCE P.L.C.
5445 CORPORATE DRIVE
SUITE 200
TROY, MI 48098

EXAMINER	
FLANDERS, ANDREW C	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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sstevens@hdp.com
troydocketing@hdp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SEHAT SUTARDJA

Appeal 2011-007490
Application 09/659,693
Technology Center 2600

Before MARC S. HOFF, CARLA M. KRIVAK, and
ELENI MANTIS MERCADER, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 173-190 (App. Br. 3). We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellant's claimed invention is directed to a media player/recorder including a disk drive for storing compressed media data and a processor for retrieving the media data stored in the disk drive (Spec. 2:31-33).

Independent claim 173, reproduced below, is representative of the subject matter on appeal.

173. A media device comprising:
a memory;
a storage device to store
compressed media data, the compressed media data having a compression format; and
a plurality of processes, each of the plurality of processes configured to decompress compressed media data;
a programmable processor configured to be programmed
as a storage controller to retrieve the compressed media data from the storage device; and
as a digital signal processor to decompress the compressed media data,
wherein the programmable processor is further configured to
determine the compression format of the compressed media data;
select a first process of the plurality of processes stored in the storage device based on the compression format of the compressed media data; and
decompress the compressed media data based on the first process; and
an output device to output the decompressed media data from the media device.

REFERENCES and REJECTIONS

The Examiner rejected claims 173-175, 178, 182-184, and 187 under 35 U.S.C. § 103(a) as being unpatentable based upon the teachings of Birrell (U.S. Patent No. 6,332, 175 B1) and Yanagihara (U.S. Patent No. 6,233,393 B1) (Ans. 3-9).

The Examiner rejected claims 179-181 and 188-190 under 35 U.S.C. § 103(a) as being unpatentable based upon the teachings of Birrell, Yanagihara, and Terui (U.S. Patent No. 5,903,871) (Ans. 9-11).

The Examiner rejected claims 173, 174, 182, and 183 under 35 U.S.C. § 103(a) as being unpatentable based upon the teachings of Du (U.S. Patent No. 7,444,439 B2) and Yanagihara (Ans. 11-15).

The Examiner rejected claims 175-177 and 184-186 under 35 U.S.C. § 103(a) as being unpatentable based upon the teachings of Du, Yanagihara, and Berman (U.S. Patent No. 6,502,194 B1) (Ans. 15-18).

ANALYSIS

Appellant contends the Examiner is incorrect in finding the combination of the cited references teaches or suggests a storage device storing a plurality of processes and retrieving a selected one of the processes (Reply Br. 4). Particularly, Appellant asserts Birrell does not disclose a storage device storing plurality of processes (App. Br. 7), Abecassis does not disclose a storage device storing a plurality of processes (App. Br. 9),[1] and

[1] Abecassis was cited as further evidence that it was known in the art at the time of Appellant's invention to decompress a plurality of compression technologies (Final Office Action, March 1, 2010).

Yanagihara does not disclose a processor configured to select a first process of a plurality of processes stored in a storage device (App. Br. 10).

We do not agree with Appellant and adopt the Examiner's findings as our own. Particularly, the Examiner finds Birrell, at a minimum, discloses a single compression format (Ans. 20). Thus, Birrell only requires additional standards to retrieve the determination of multiple compression standards provided by Yanagihara (Ans. 21; Yanagihara, col. 2, ll. 14-17). Further, as stated in the Opinion mailed June 4, 2009, "one ordinarily skilled in the art would likely modify a media recorder to combine a digital signal processor and a controller in a microprocessor as this would be [a] combination of familiar elements according to known methods and would yield no more than predictable results" (Op. 12) (citation omitted). We further note that adding a "plurality of processes" for decompressing compressed media data would involve a combination of familiar elements according to known method with a predictable result as shown by Abecassis (*Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1161 (Fed. Cir. 2007) (citation omitted). That is, Abecassis discloses a Multimedia Player can accommodate a plurality compression and decompression technologies to both retrieve and decompress, and compress and transmit through a network (Ans. 21).

We also agree with the Examiner that Du decodes multiple forms of compression (Ans. 27). Du discloses a controller that it is independent of a specific audio data format and should "be viewed as a general-purpose audio controller capable of receiving, playing, and/or decompressing any type of audio data" (Du, col. 7, ll. 5-10; Ans. 28).

Appellant appears to be arguing the references individually and not as a combination. "[O]ne cannot show nonobviousness by attacking references

individually, where . . . the rejections are based on combinations of references." *In re Keller*, 642 F.2d 413, 426 (CCPA 1981) (citation omitted). "The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art." *Id.* at 425 (citations omitted).

For the above reasons, we are not persuaded of Examiner error. Because we find the weight of the evidence supports the Examiner's ultimate legal conclusion of obviousness, we sustain the Examiner's rejection of claims 173-175, 178, 182-184, and 187 over the combination of Birrell or Du and Yanagihara, and the Examiner's rejections of claims 176, 177, 179-181, 185, 186, and 188-190, not argued separately.

Appellant contends claims 175 and 184 are not obvious over the combination of Du, Yanagihara, and Berman, as Berman discloses portions of songs are initially downloaded in response to user selection rather than a user selecting one of a media selection in response to first portions as claimed (App. Br. 18). The Examiner, however, finds Berman discloses the elements of claim 175 (Ans. 15-17; 33-34). We agree with the Examiner's findings, adopt them as our own, and sustain the rejection of claims 175 and 184.

DECISION

The Examiner's decision rejecting claims 173-190 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv)(2010).

AFFIRMED

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